



**CITY OF PACIFIC GROVE**  
300 Forest Avenue, Pacific Grove, California 93950

**AGENDA REPORT**

**TO:** Planning Commission

**FROM:** Mark Brodeur, Community and Economic Development Director

**MEETING DATE:** February 5, 2015

**SUBJECT:** Implementation of Program 4.2.2 of the Housing Element Related to Emergency Shelters (Homeless Shelters) and Transitional Housing Being Permitted Uses without Conditional Use Permit Approval

**CEQA:** No further environmental review necessary in accordance with Sections 15162 et seq. of the California Environmental Quality Act (CEQA) Guidelines. The Housing Element was subject to a certified Negative Declaration in 2011 and no mitigation measures were necessary.

### **RECOMMENDATION**

Approval of the attached resolution (see Attachment 1) is recommended which will add a zoning text amendment to include emergency shelters and transitional housing as a permitted use in the non-coastal C-2, Heavy Commercial, zoning district and add a related definition within the definitions section of the Zoning Code.

### **DISCUSSION**

In 2007, in an effort to facilitate the construction of homeless shelters, the State Legislature approved Senate Bill 2, requiring all cities to allow “emergency shelters” and “transitional housing” as permitted uses in at least one zoning district, without the need for a conditional use permit or other discretionary action. Transitional housing is defined as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period of time. This state requirement is further referenced as part of the city’s adopted Housing Element, in Program 4.2.2 which reads: “The City shall go through the public review process to amend the Zoning Code to comply with SB 2, permitting emergency shelters without a conditional use permit or other discretionary permits in the C-1 and/or R-4 zoning districts, or other appropriate zones or sites and define transitional and supportive housing as a residential use subject to the same standards that apply to other residential uses. ....” (See Attachment 2.)

## **ANALYSIS**

The C-1 and R-4 districts do not appear to be appropriate for homeless shelters and transitional housing. These districts are located along Lighthouse Avenue and the central part of Pacific Grove where more pedestrian and tourist-oriented uses and businesses exist and/or are planned. The non-coastal C-2 district appears to be more appropriate as it is immediately adjacent to a major bus line across Sunset Avenue and the property is relatively close to other consumer services at Forest Hill. (See Attachment 3.)

The property located at the corner of Sunset and 17 mile Drive is currently the only non-coastal zoned C-2 property within Pacific Grove. However it is large enough to accommodate either an emergency shelter or transitional housing, in addition to other uses permitted in the C-2 zoning District. In the recent past, the property housed the "Pebble Beach Grocery". It is recommended that the zoning table of allowed uses in the Commercial and Industrial districts (Table 23.31.030) be amended to include emergency shelters and transitional housing as allowed uses (P) under the C-2 zoning column with an endnote that these uses only apply in the non-coastal areas of the C-2 zoning district.

## **ATTACHMENTS**

1. Draft Resolution of Approval
2. Housing Element Excerpt, Program 4.2.2
3. Location of Non-coastal, C-2 District

RESPECTFULLY SUBMITTED:



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Mark Brodeur, Community  
And Economic Development Director

**Ordinance No. 15- \_\_\_\_ - \_\_\_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING THE C-2, HEAVY COMMERCIAL, ZONING DISTRICT REGULATIONS (MUNICIPAL CODE SECTION 23.32.030) TO ALLOW EMERGENCY AND TRANSITIONAL HOUSING AS PERMITTED USES AND ADDING RELATED DEFINITION IN THE DEFINITIONS SECTION OF THE ZONING ORDINANCE**

**WHEREAS.** Senate Bill 2 (2009) requires all cities in California to have at least one zoning district allowing emergency shelters and transitional housing as permitted uses without the requirement for a conditional use permit; and

**WHEREAS,** the adopted Housing Element 2009 – 2015, Program 4.2.2, requires the City to amend the zoning ordinance in order to be in compliance with SB 2; and

**WHEREAS,** the City of Pacific Grove has determined that the C-2 zoning district, outside of the coastal zone, is an appropriate zoning district to accommodate certain public uses, including emergency shelters and transitional housing; and

**WHEREAS,** this ordinance implements a housing element program adopted by the city and subject to a previous negative declaration. Therefore, the proposed zoning amendment is in compliance with the California Environmental Quality Act (CEQA), in accordance with Sections 15162 et seq of the CEQA Guidelines, and no further environmental analysis is necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:**

**SECTION 1.** The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

**SECTION 2.** Municipal Code Chapter 23.31.030, Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements is hereby amended to include under Residential Care, in the C-2 zoning district the following: Emergency and transitional housing as allowed (P) in the C-2 district and add endnote 9 to read: “outside of the coastal zone only”.

**SECTION 3.** Definitions.

The following definition of “Emergency or transitional housing facility” shall be added to the Municipal Code as Section 23.08.113:

**“Emergency or transitional housing facility”** shall mean an on-site managed residential facility which provides room and board for persons who do not have housing, providing either emergency shelter or overnight housing or longer-term but limited in duration (e.g., six months) transitional housing for

persons or households until more permanent arrangements develop. Such facilities also provide security, counseling, rehabilitation and pre-placement screening for the occupants."

SECTION 4. This ordinance shall become effective 30 days following its second reading and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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Bill Kampe, Mayor

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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David C. Laredo, City Attorney

Program 4.1.3      The City shall go through the public review process to update the City's definition of "family" in the Zoning Ordinance to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of persons that may constitute a family.

Responsible Dept.:      Community Development Department - Planning Division, Planning Commission, City Council

Timeframe:      Within two years of Housing Element adoption

Funding:      General Fund

Housing Objective:      n/a

**Policy 4.2**      **Continue to work with surrounding jurisdictions, non-profit organizations, and public safety departments to address the needs of the homeless on a regional basis.**

Program 4.2.1      Coordinate with the County, neighboring cities, and community-based organizations and contribute funding, when feasible, toward emergency shelter programs for the area, including consideration of funding for programs developed through inter-jurisdictional cooperation.

Responsible Dept.:      Community Development Department - Housing and Planning Divisions

Timeframe:      Ongoing

Funding:      General Fund, Housing Fund

Housing Objective:      n/a

**Program 4.2.2**      The City shall go through the public review process to amend the Zoning Code to comply with SB 2, permitting emergency shelters without a conditional use permit or other discretionary permits in the C-1 and/or R-4 zoning districts, or other appropriate zones or sites and define transitional and supportive housing as a residential use subject to the same standards that apply to other residential uses. The C-1 and R-4 zoning districts have sufficient capacity to house emergency shelters with over 0.6 acres vacant and 8.83 acres of underutilized land available. The Zoning Code can include locational and operational criteria for homeless shelters such as:

- Hours of operation;
- Provisions for operations and management; and
- Compliance with County and State health and safety requirements for food, medical, and other supportive services provided on-site.

Such criteria should encourage and facilitate homeless shelters and transitional housing through clear and unambiguous guidelines for the application review process, and the basis for approval.

The City will solicit input from local service providers in the preparation and adoption of the amendment to the Zoning Code to ensure that development standards and permit processing will not impede the approval and/or development of emergency and transitional housing.

Responsible Dept.: Community Development Department - Planning Division, Planning Commission, City Council

Timeframe: Within one year of Housing Element adoption (per Government Code Section 65583(a)(4))

Funding: General Fund

Housing Objective: n/a

Program 4.2.3 Work with the Housing Authority of the County of Monterey in the administration of its housing programs and to increase the number of housing units in the Section 8 rental assistance program in Pacific Grove.

Responsible Dept.: Community Development Department - Housing Division

Timeframe: Ongoing

Funding: General Fund, Housing Fund

Housing Objective: n/a

### Policy 4.3

#### Program 4.3.1

**Support shared housing programs operated by local non-profit organizations.**  
Support organizations such as the Alliance on Aging, Meals on Wheels, and other shared housing programs through administrative and resource support, for example, access to City facilities. Provide financial support as monies are available.

Responsible Dept.: Community Development Department - Housing Division

Timeframe: Ongoing

Funding: General Fund, Housing Fund

Housing Objective: n/a

#### Program 4.3.2

Provide support to ensure the continued operation and expansion of the Gateway Center, a residential care and support center for persons with developmental disabilities.

Responsible Dept.: Community Development Department - Housing Division

Timeframe: Ongoing

Funding: General Fund (for Staff time)

Housing Objective: n/a

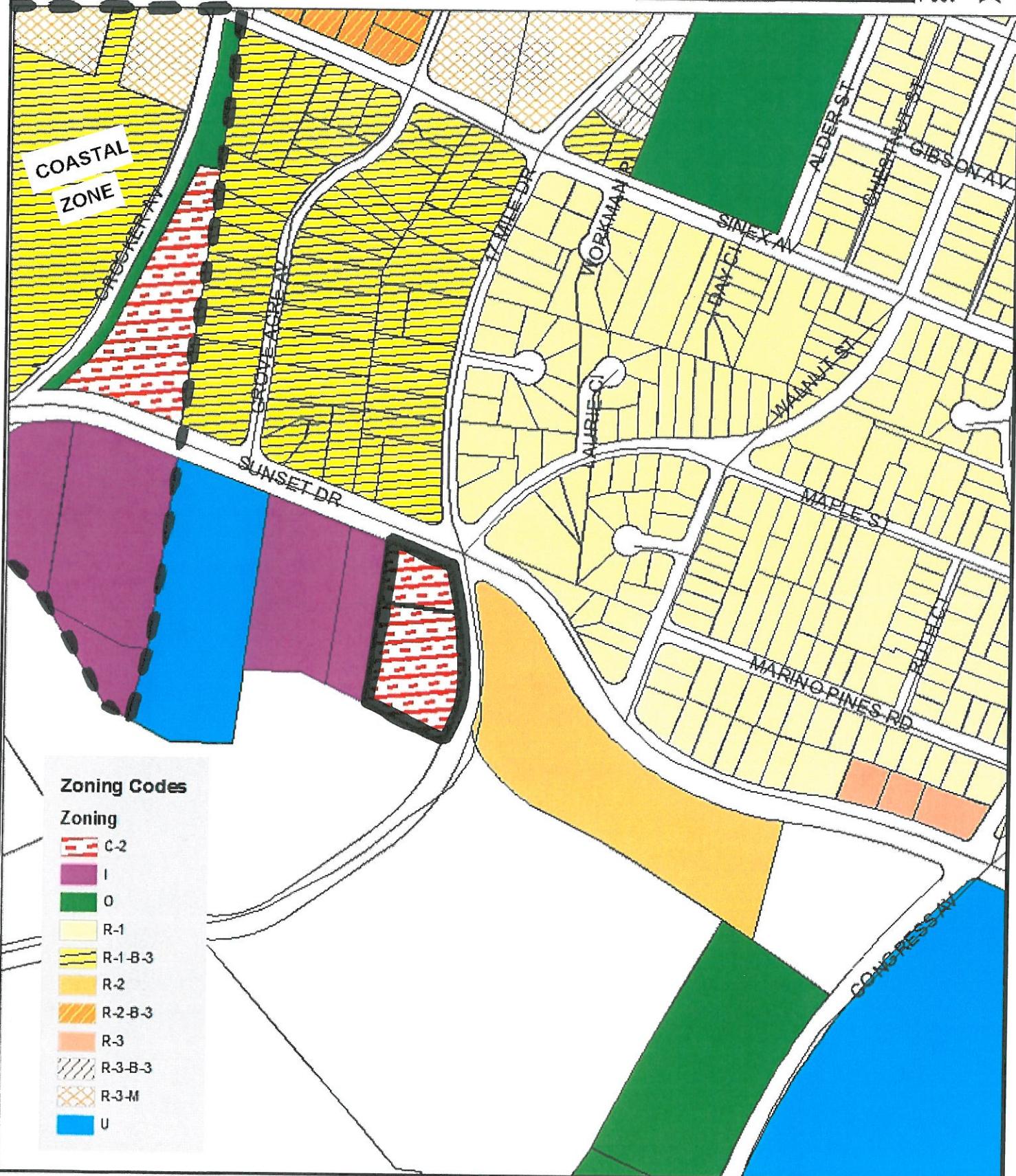


# Proposed Parcel for Zoning Amendment

Item 7.c

## Allowing Homeless Shelters

0 180 360 720 Feet





# Proposed Parcel for Zoning Amendment Allowing Homeless Shelters

Item 7.c

0 180 360 720 Feet

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